

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA, 2001 JUN 11 P 4:48

PLAINTIFF, DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

v.

) CIVIL ACTION NO. 2:07cv514-WKW

SIXTEEN THOUSAND FIVE HUNDRED)
FIFTY TWO (\$16,552) DOLLARS IN)
UNITED STATES CURRENCY,)
DEFENDANT.)

VERIFIED COMPLAINT FOR FORFEITURE IN REM

The United States of America (hereinafter, "United States"), by and through Leura G. Canary, United States Attorney, Middle District of Alabama, and John T. Harmon, Assistant United States Attorney, in a civil cause of forfeiture in rem respectfully alleges as follows:

NATURE OF THE ACTION

1. This is an action to forfeit and condemn to the use and benefit of the United States the following property: Sixteen Thousand Five Hundred Fifty Two (\$16,552) Dollars in United States currency (hereinafter, "Defendant currency") which was seized on December 15, 2006, for violations of Title II of the Controlled Substances Act, 21 U.S.C. §§ 801 et seq.

JURISDICTION AND VENUE

2. The United States brings this action in rem in its own right to forfeit and condemn the Defendant property under 21 U.S.C. § 881. This Court has jurisdiction over this action under 28

U.S.C. §§ 1345 and 1355(a). This Court has in rem jurisdiction over this action under 28 U.S.C. § 1355(b).

3. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1) and 28 U.S.C. § 1395 because the acts or omissions giving rise to the forfeiture occurred in this district and the property is located within the Middle District of Alabama.

THE DEFENDANT IN REM

4. The Defendant consists of Sixteen Thousand Five Hundred Fifty Two (\$16,552) Dollars in United States currency (hereinafter, "Defendant currency") which was seized on December 15, 2006.

FACTS

5. The facts and circumstances supporting the seizure of the Defendant currency are as follows:

a) On December 15, 2006, the Montgomery Police Department (MPD) received a 911 call to 2501 Highland Avenue, Montgomery, Alabama, in reference to a shooting. The business operated from this address is Step Yo Game Up.

b) Upon arrival, an MPD officer spoke with the victim, Gerard Burdette (Burdette), who stated that Ardarreyus Shelton (Shelton) shot him at 617 Charles Street (the residence behind 2501 Highland Avenue). Officers went to the residence and located the scene of the shooting. Inside the residence, officers smelled a strong odor of raw marijuana.

c) Officers gave a lookout on Shelton who was driving a brown Ford Truck. Officers located the truck on Taylor Road and followed it to 1268 Autumn Ridge Road (Shelton's residence) where it was parked in the garage. Officers arrived to assist in taking Shelton into custody for the shooting. Officers knocked on the door and announced who they were. No one answered the door and forcible entry was made into the residence. Wafayette Bostick (Bostick) and Gerderrick Moncrief (Moncrief) were inside the residence with Shelton. Officers could smell a strong odor of marijuana inside the residence. Upon clearing the residence, officers saw a handgun in a bedroom. The residence was secured until a search warrant was obtained.

d) While waiting for the search warrant, a confidential source (CS) contacted one of the officers and stated that Burdette was robbed by Shelton and Moncrief. The CS has provided reliable information in the past to the officer.

e) Subsequent to the search warrant on Autumn Ridge Road, officers applied for and were granted a search warrant for Moncrief's residence located at 748 Ryefield Court, Montgomery, Alabama.

f) The Defendant \$16,552 in U.S. currency was located and seized during the search of 748 Ryefield Court.

g) Located and seized during the search of 1268 Autumn Ridge Road was \$55,498 in U.S. currency, \$480 in U.S. currency, money

counter, four firearms, rounds of ammunition, plastic bag containing over 28 grams of cocaine, two jars containing marijuana, two plastic bags containing marijuana, plastic bag of marijuana found in Ford truck in garage, lip balm container containing marijuana, cell phones, and assorted paper documents.

h) The CS stated that the Moncrief was supplied with large quantities of cocaine. The same CS stated that on one occasion, \$120,000 was collected from Moncrief for payment for cocaine.

i) Moncrief, Shelton and Bostick were arrested for trafficking in cocaine.

j) Moncrief has been arrested for Unlawful Possession of Marijuana 2nd and 1st, Assault 3rd and Possession of Drug Paraphernalia.

k) On or about March 14, 2007, Gerderrick Moncrief filed a claim asserting ownership of the Defendant currency.

l) The only reasonable source for the Defendant currency is drug sales.

CLAIM FOR RELIEF

6. The United States repeats and realleges each and every allegation set forth in Paragraphs 1 through 5(l) above.

7. The Defendant currency constitutes monies furnished, or intended to be furnished, in exchange for controlled substances, or represents proceeds of trafficking in controlled substances or was used or intended to be used to facilitate violations of 21 U.S.C.

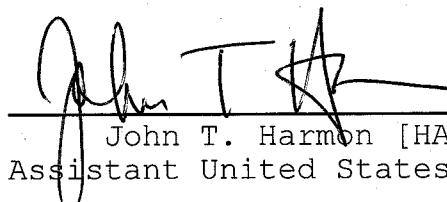
§§ 801 et seq.

8. As a result of the foregoing, the Defendant currency is liable to condemnation and to forfeiture to the United States for its use in accordance with 21 U.S.C. § 881(a)(6).

WHEREFORE, the United States requests that the Court issue a Warrant for the arrest and seizure of the Defendant currency, pursuant to Supplemental Rule G(3)(b), which will be executed upon the Defendant currency pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c); that the Defendant currency be forfeited and condemned to the United States; that the United States be awarded its costs and disbursements in this action and, for such other and further relief as this Court deems proper and just.

Respectfully submitted this the 11th day of June, 2007.

FOR THE UNITED STATES ATTORNEY
LEURA G. CANARY


John T. Harmon [HAR108]
Assistant United States Attorney

Address of Counsel:

Office of the United States Attorney
Middle District of Alabama
One Court Square, Suite 201 (36104)
Post Office Box 197
Montgomery, Alabama 36101-0197
Telephone: (334) 223-7280
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IN THE UNITED STATES DISTRICT COURT
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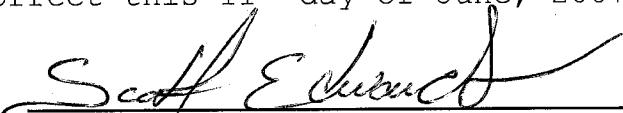
STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

VERIFICATION

I, Scott Edwards, hereby verify and declare under penalty of perjury that I am a Detective with the Montgomery Police Department, Narcotics Bureau. I have read the Verified Complaint, know the contents thereof, and that the matters contained therein are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and, as to those matters, I believe them to be true.

The sources of my knowledge and information are the official files and records of the United States and information supplied to me by other law enforcement officers, as well as my investigation of this case and the investigation of this case by other law enforcement officers.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct this 11th day of June, 2007.



SCOTT EDWARDS - DETECTIVE
Montgomery Police Department

Sworn to and subscribed before me this 11th day of June, 2007.



Notary Public
Commission Expires: 9.23.09

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NOTICE OF ARREST AND SEIZURE

Notice is hereby given that the United States of America has filed a Complaint for Forfeiture In Rem and the Court has issued a Warrant of Arrest In Rem for the forfeiture of the Defendant currency, which was seized on December 15, 2006, in Montgomery County, Alabama.

Any person claiming an interest in the Defendant currency must file a claim asserting that interest, in the manner set forth in 18 U.S.C. § 983(a)(4)(A) and Supplemental Rule G(5), such claim must be filed not later than 30 days after the date of service of the Complaint or, as applicable, not later than 30 days after the date of final publication of notice of the filing of the Complaint or as otherwise specified by Supplemental Rule G(5). In addition, any person having filed such a claim shall also file an Answer to the Complaint not later than 20 days after the filing of the claim, and shall serve and file the Claim and Answer to the Verified Complaint with the Office of the Clerk, United States District Court for the

Middle District of Alabama, One Church Street, Montgomery, Alabama 36104, with a copy thereof sent to:

John T. Harmon
Assistant United States Attorney
Office of the United States Attorney
Middle District of Alabama
One Court Square, Suit 201 (36104)
Post Office Box 197
Montgomery, Alabama 36101-0197
Telephone: (334) 223-7280.

Additional procedures and regulations regarding this forfeiture action are found at 19 U.S.C. §§ 1602-1619, and 21 §§ 1316.71-1316.81.

All persons and entities who have an interest in the Defendant currency may, in addition to filing a claim or in lieu of the filing of a claim, submit a Petition for Remission or Mitigation of the forfeiture for a non-judicial determination of this action pursuant to 28 C.F.R. Part 9.

JESSE SEROYER, JR.
UNITED STATES MARSHAL
MIDDLE DISTRICT OF ALABAMA

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WARRANT FOR ARREST IN REM

TO THE UNITED STATES MARSHAL OF THE MIDDLE DISTRICT OF ALABAMA
AND/OR ANY OTHER DULY AUTHORIZED LAW ENFORCEMENT OFFICER:

WHEREAS, a Verified Complaint of Forfeiture In Rem has been
filed in the United States District Court for the Middle District
of Alabama, alleging that the Defendant property is subject to
seizure and forfeiture to the United States pursuant to 21 U.S.C.
§ 881(a)(6) for violation of 21 U.S.C. § 841 et seq.;

And, the Court being satisfied that, based on the Verified
Complaint of Forfeiture In Rem, there is probable cause to believe
that the Defendant currency so described constitutes property
involved in or traceable to such violations of 21 U.S.C. § 841 et
seq., and that grounds for application for issuance of a warrant
for arrest in rem exist, pursuant to Supplemental Rule G of the
Supplemental Rules for Admiralty or Maritime and Asset Forfeiture
Claims;

YOU ARE, THEREFORE, HEREBY COMMANDED to arrest and seize said Defendant currency, and use your discretion and whatever means appropriate to protect and maintain said Defendant currency; and,

IT IS FURTHER ORDERED that you shall send any person who reasonably appears to be a potential claimant based upon the facts known to the United States, a copy of this Warrant and Verified Complaint In Rem in a manner consistent with the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims, Federal Rules of Civil Procedure; and,

IT IS FURTHER ORDERED that you publish notice to all persons of this action and the procedures to be followed for making a claim as described in this Warrant in a manner consistent with Supplemental Rule G(4) (a); and,

IT IS FURTHER ORDERED that a return of this Warrant shall be promptly made to the Court identifying the individuals upon whom copies were served and the manner employed; and,

IT IS FURTHER ORDERED that all persons claiming an interest in or right against the Defendant currency shall file a claim asserting that interest, in the manner set forth in 18 U.S.C. § 983(a)(4)(A) and Supplemental Rule G(5), and such claim must be filed not later than 30 days after the date of service of the Complaint or, as applicable, not later than 30 days after the date of final publication of notice of the filing of the Complaint, and shall serve and file their answers to the Complaint within twenty (20) days after the filing of the claim with the Office of the

Clerk, United States District Court for the Middle District of Alabama, One Church Street, Montgomery, Alabama 36104, with a copy thereof sent to:

John T. Harmon
Assistant United States Attorney
Office of the United States Attorney
Middle District of Alabama
One Court Square Suite 201 (36104)
Post Office Box 197
Montgomery, Alabama 36101-0197
Telephone: (334) 223-7280.

Done this the _____ day of _____, 2007.

UNITED STATES DISTRICT JUDGE